

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NO. 2:03CR20485-06

ROBERT PHILLIPS,

Defendant.

POSITION OF DEFENDANT, ROBERT PHILLIPS,
WITH RESPECT TO SENTENCING FACTORS

COMES NOW the Defendant, Robert Phillips, by and through his Attorney of Record, Lawrence W. Kern, and notifies the Court of his position with respect to sentencing factors.

1. Robert Phillips objects to Paragraph 11 concerning the Offense Conduct. Mr. Phillips did not participate in the Trust One Bank robbery on December 23, 2003.

2. Robert Phillips has no other objections to the Presentence Investigation Report.

Respectfully submitted,

 \s\ LAWRENCE W. KERN
LAWRENCE W. KERN, BPR #7550

Attorney at Law
5118 Park Avenue, #600
Memphis, Tennessee 38117
Telephone: 901-681-0997

CERTIFICATE OF SERVICE

I, LAWRENCE W. KERN, do hereby certify that a copy of the foregoing, has been sent to Tony Arvin, Assistant US Attorney, at 167 North Main #800, Memphis, TN 38103 and Barbara Hampton-Franseen, US Probation Office, 167 North Mid America Mall #234, Memphis, TN 38103, via fax, this the 27th day of March, 2006.

 \s\ LAWRENCE W. KERN
LAWRENCE W. KERN

USAG Tony Arvin 544-4230
US Probation Office - Barbara Hampton-Franseen 495-1450
The Honorable Samuel H. Mays, Jr. 495-1295